

REMARKS

Claims 1-22 are pending in this application. Claims 1-7, 10-12, 16, 21 and 22 were previously presented. Claims 8, 9, 13-15 and 17-20 are original claims. No new matter has been introduced.

Applicant's invention is a set of elements that protect a wearer against insects, such as ticks, crawling upwards upon a clothing surface towards, and in the general region of, one or more types of clothing openings, e.g., pant legs, waist, sleeves, shirt front, and/or shirt collar. The protection elements of Applicant's invention consist of a substrate having a first (inner) adhesive layer and a second (outer) adhesive layer. The adhesive surface of the inner adhesive layer adheres the protection element to the clothing surface in a manner to effectively block passage of crawling insects between the clothing surface and the protection element, while the adhesive surface of the outer adhesive layer effectively blocks passage of crawling insects across the protection element. According to different embodiments of the invention, the protection elements may be provided, e.g., in roll form or in sheet form with the elements die cut to particular shapes suited to accommodate clothing opening of irregular shape, e.g., shirtfronts and shirt collars. Applicant's invention further includes a method for protection against insect such as deer ticks carrying Lyme Disease crawling upon a clothing surface by exposing and applying the adhesive surface of the first, inner adhesive layer to the clothing surface and exposing the adhesive layer of the second, outer adhesive layer to impede advancement of the crawling insects thereacross.

None of the prior art references cited by the Examiner in the last Action, mailed July 11, 2003, whether taken alone, or in any proper combination, teaches or suggests Applicant's invention as now more clearly claimed.

Claims 1, 5, 16 and 22 were rejected under 35 USC §102(e) as being anticipated by Arber US 6,353,939 and claims 2-4, 6-15 and 17-21 were rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Arber '939, either taken alone (claims 2-4, 6-9 and 17-21) or taken in view of Geary US 2,911,756 (claims 10 and 11) or Luria et al. US 5,381,557 (claims 12-15). We respectfully traverse.

Submitted herewith is a declaration of the inventor, Paul Cosenza, under 37 CFR 1.131, along with a supporting declaration by his personal attorney, Michael Dowd, establishing that the inventor conceived of the invention of independent claims 1 and 16, and of at least dependent claims 2-9, 11 and 17-22 prior to December 4, 2000, the effective date of Arber '939. In particular, as established by the declarations, in the period of July-August 2000, while Mr. Dowd was representing Mr. Cosenza as his attorney in a financial matter, Mr. Cosenza described his product concept to Mr. Dowd (¶4, Dowd Declaration). During this period of representation, Mr. Dowd conducted a search for relevant prior art, and subsequently advised Mr. Cosenza to seek patent counsel for assistance in protecting his patent rights (¶5, Dowd Declaration).

Mr. Cosenza proceeded diligently toward reducing and/or constructively reducing his invention to practice, including by contacting the undersigned attorney concerning his invention on February 13, 2001. Subsequently, following a meeting on February 16, 2001, U.S. Provisional Application No. 60/274,325, from which benefit is claimed, describing the inventions of independent claims 1 and 16, and of at least dependent claims 2-13, 15 and 17-22, was prepared and filed March 8, 2001.

On this basis, we submit that Arber '939 is overcome as prior art, at least with respect to the features of claims 1-9, 11 and 16-22, and that these claims are now in condition for allowance.

Furthermore, with respect to the remaining claims (claims 10, and 12-15), neither Geary '756 nor Luria et al. '557, whether taken alone or in proper combination with any other reference, provides teaching or suggestion of the features of Applicant's invention recited in the independent claims from which these remaining claims depend. We therefore submit that these claims are also in condition for allowance.

Applicant again reserves the right to address other of the Examiner's positions, against which there are good arguments, on a point-by-point basis, which has presently been rendered unnecessary by the swearing back of the reference.

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We submit that this application is now in condition for allowance. Early favorable action is solicited. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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